

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicant would like to thank the Examiner for the indication that claims 1 and 6 are allowed and that claims 7-10 contain allowable subject matter.

In the Official Action, the Examiner objects to claims 2-5 because the phrase "than a rigidity of \_\_\_\_ remaining region" on lines 6-7 of claim 2 lacks an article. In response, claims 2-5 have been canceled thereby rendering the objection thereof moot. Therefore, the Examiner is respectfully requested to withdraw the objection of claims 2-5.

In the Official Action, the Examiner rejects claims 4, 5, and 7-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 4 and 5, the same have been canceled, thereby rendering the rejection thereof moot.

With regard to claim 7 (and claim 8 which depends from claim 7), the Examiner argues that the phrase "the ratio of the openings" is indefinite and ambiguous because the claim does not cite a point of reference. In response, the objectionable term has been amended to --a ratio of an openings area to a unit area--. The amendment to claim 7 is fully supported in the original disclosure and would be understood as being at least inherent from the specification to those of ordinary skill in the art, particularly in light of the teachings of the specification at page 18, lines 5-7, page 19, lines 2-22, and page 20, lines 9-15, including the Drawings at Figures 12 and 15. Therefore, no new matter has been entered into the disclosure by way of the present amendment to claim 7.


With regard to claim 9 (and claim 10 which depends from claim 9), the Examiner argues that the same is ambiguous and confusing because claim 9 recites that the lower electrode has a plurality of openings arranged at different intervals because the structure is recited as comprising a plurality of lower electrodes. In response, claim 9 has been amended to change "a plurality of fixed lower electrodes" to -- a fixed lower electrode --. The amendment to claim 9 is fully supported in the original disclosure, particularly in the Drawings at Figure 19 and the accompanying text of the specification. Therefore, no new matter has been entered into the disclosure by way of the present amendment to claim 9.

In light of the above, the Examiner is respectfully requested to withdraw the rejection of claims 4, 5, and 7-10 under 35 U.S.C. § 112, second paragraph.

In the Official Action, the Examiner rejects claims 2 and 3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,561,523 to Blomberg et al., (hereinafter "Blomberg"). In response, claims 2 and 3 have been canceled, thereby rendering the rejection thereof moot. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 2 and 3 under 35 U.S.C. § 102(b).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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